

## **Permitting & Assistance Branch Staff Report**

Modified Solid Waste Facilities Permit for  
Jepson Prairie Organics Composting Facility  
SWIS No. 48-AA-0083  
May 14, 2012

### **Background Information, Analysis, and Findings:**

This report was developed in response to the Solano County, Environmental Health Division, Local Enforcement Agency's (LEA) request for the Department of Resources Recycling and Recovery (Department) concurrence on the issuance of a proposed Modified Solid Waste Facilities Permit (SWFP) for Jepson Prairie Organics Composting Facility (JPO), SWIS No. 48-AA-0083, located in Solano County and owned and operated by Jepson Prairie Organics Composting Facility. A copy of the proposed permit is attached. The report contains Permitting & Assistance Branch staff's analysis, findings, and recommendations.

The proposed permit was received on April 2, 2012. Action must be taken on this permit no later than June 1, 2012. If no action is taken by June 1, 2012, the Department will be deemed to have concurred with the issuance of the proposed SWFP.

### **Proposed Changes**

No changes to the first page of the permit as there are no proposed changes to hours, tonnage, or acreage.

Changes include:

1. Relocation of the Metal/White Goods/Tire Handling area from the adjacent Recology Hay Road Landfill
2. Reference to the revised Report of Composting Site Information (RCSI), dated March 2012.
3. Removal of conditions, which overlap other agencies.
4. Addition of a condition relating to the Metal/White Goods/Tire Handling area.
5. Minor revisions to the SWFP "Documents" section to include the most recent Yolo/Solano AQMD Permit. References to three non applicable documents were removed.
6. A revision to the SWFP "Self-Monitoring" section to remove a monitoring program that has been completed.

### **Findings:**

Staff recommends concurrence in the issuance of the proposed Modified SWFP. All of the required submittals and findings required by Title 27 of the California Code of Regulations (27 CCR), Section 21685 have been provided and made. Staff has determined that the California Environmental Quality Act (CEQA) requirements have been met to support concurrence. The findings that are required to be made by the Department when reaching a determination are summarized in the following table. The documents on which staff's findings are based have been provided to the Branch Chief with this Staff Report and are permanently maintained by the Waste Permitting, Compliance and Mitigation Division.

| 27 CCR Sections   | Findings  |   |
|---|---|---|
| 21685(b)(1) LEA Certified Complete and Correct Report of Facility Information | The LEA provided the required certification in their permit submittal letter dated March 27, 2012.  | <input checked="" type="checkbox"/> Acceptable<br><input type="checkbox"/> Unacceptable |
| 21685(b)(2) LEA Five Year Permit Review                                       | A Permit Review Report was prepared by the LEA on May 12, 2009. The LEA provided a copy to the Department in May 2009.  | <input checked="" type="checkbox"/> Acceptable<br><input type="checkbox"/> Unacceptable |
| 21685(b)(3) Solid Waste Facility Permit                                       | Staff received a proposed SWFP on April 2, 2012.  | <input checked="" type="checkbox"/> Acceptable<br><input type="checkbox"/> Unacceptable |
| 21685 (b)(4)(A) Consistency with Public Resources Code 50001                  | The LEA in their permit submittal package received on April 2, 2012, provided a finding that the facility is consistent with PRC 50001. Waste Evaluation & Enforcement Branch (WEEB) staff in the Jurisdiction Product & Compliance Unit found the facility is identified in the Non-Disposal Facility Element, as described in the memorandum dated February 24, 2012. | <input checked="" type="checkbox"/> Acceptable<br><input type="checkbox"/> Unacceptable |
| 21685(b)(8) Operations Consistent with State Minimum Standards                | WEEB staff in the Inspections and Enforcement Agency Compliance Unit found that the facility was in compliance with all operating and design requirements during an inspection conducted on March 21, 2012. See compliance history below for details.   | <input checked="" type="checkbox"/> Acceptable<br><input type="checkbox"/> Unacceptable |
| 21685(b)(9) LEA CEQA Finding  | The LEA provided a finding in their permit submittal package received on April 2, 2012, that the proposed permit is consistent with and supported by the existing CEQA documentation. See CEQA information below for details.   | <input checked="" type="checkbox"/> Acceptable<br><input type="checkbox"/> Unacceptable |
| CEQA Determination to Support Responsible Agency's Findings                   | The Department is a responsible agency under CEQA with respect to this project. Permitting and Assistance Branch staff has determined that the CEQA record is sufficient to support the Branch Chief's action on the proposed Modified SWFP.  | <input checked="" type="checkbox"/> Acceptable<br><input type="checkbox"/> Unacceptable |

### **Compliance History:**

WEEB staff in the Inspection and Enforcement Agency Unit conducted a pre-permit inspection on March 21, 2012, and found no violations of State Minimum Standards (SMS) and one violation of one violation of Public Resources Code (PRC) Section 44014(b) – Terms and Conditions of the Permit, for the relocation of the metal/white goods/waste tires handling activity without approval.

The issuance of the proposed permit to include the metal/white goods/waste tires handling activity will correct this violation.

Below are the details of the JPO's compliance history based on the LEA's monthly inspection reports during the last five years:

- 2012 (January – March) Two violations for 14 CCR Section 17867(a)(2) – Odor Control and three violations of Public Resource Code (PRC) Section 44014(b) – Operator Complies With Terms and Condition of the Permit (metal/white goods area).
- 2011 – Two violation of 14 CCR Section 17867(a)(2) – Odor Control. Two violations of PRC Section 44014(b) – Operator Complies with Terms and Condition of the Permit (metal/white goods area).
- 2010 - 15 violations of 14 CCR Section 17867(a)(2) – Odor Control. See the information below regarding the 2010 Stipulated Corrective Action Order.
- 2009 – Five violations of 14 CCR Section 17867(a)(2) – Odor Control and one violation of 14 CCR Section 17868.1 – Sampling Requirements .
- 2008 -Two violations of 14 CCR Section 17867(a)(2) – Odor Control.
- 2007 - Five violations of 14 CCR Section 17867(a)(2) – Odor Control and one violation of PRC Section 44014(b) – Operator Complies with Terms and Condition of the Permit for one exceedance of the permitted tonnage.

The facility is operating under a Stipulated Corrective Action Order (Order) issued to the operator by the LEA on May 27, 2010 to address the violations of 14 CCR 17867(a)(2). The compliance dates for actions required by the operator have been met, however if odors are detected in the future, the LEA may require the operator reduce the amount of foodwaste that can be accepted.

**Environmental Analysis:**

Under CEQA, the Department must consider, and avoid or substantially lessen where possible, any potentially significant environmental impacts of the proposed SWFP before the Department concurs in it. In this case, the Department is a Responsible Agency under CEQA and must utilize the environmental document prepared by the Solano County, Resource Management Agency, Planning Division, acting as Lead Agency, absent changes in the project or the circumstances under which it will be carried out that justify the preparation of additional environmental documents and absent significant new information about the project, its impacts and the mitigation measures imposed on it.

JPO currently operates under a SWFP issued by the Local Enforcement Agency on November 16, 2009. The proposed Modified SWFP under consideration is to allow the relocation of the metal/white goods/tire handling activity from the adjacent landfill. There will be no changes in the design capacity, operating hours, daily tonnage or acreage.

A Final Subsequent Environmental Impact Report (SEIR), State Clearinghouse (SCH) No. 2004032138, was certified by the Solano County Planning Commission on March 3, 2005. This environmental document describes and supports the design and operation of both JPO and the

Hay Road Recology Landfill. A Notice of Determination was filed with the State Clearinghouse on June 20, 2005.

The Local Enforcement Agency (LEA) provided CalRecycle staff with a determination that all the activities in the proposed modified permit were considered in the 2005 SEIR. Staff recommends that the Department, acting as a Responsible Agency under CEQA, utilize the Final SEIR as prepared by the Lead Agency in that there are no grounds under CEQA for the Department to prepare a subsequent or supplemental environmental document or assume the role of Lead Agency for its consideration of the proposed Modified SWFP.

The administrative record for the decision to be made by the Department includes the administrative record before the LEA, the proposed revised SWFP and all of its components and supporting documentation, this staff report, the Final SEIR adopted by the Lead Agency, and other documents and materials utilized by the Department in reaching its decision on concurrence in, or objection to, the proposed revised SWFP. The custodian of the Department's administrative record is Dona Sturgess, Legal Office, Department of Resources Recycling and Recovery, P.O. Box 4025, Sacramento, CA 95812-4025.

**Public Comments:**

The LEA posted the public notice at the County Administration Building Public Notice Board and at the facility bulletin board outside their office. The public notice was also mailed to contiguous property owners of the JPO. The public notice was posted from March 5, 2012, through April 20, 2012. The LEA received one written comment indicating that this proposed change needed an approval from the San Francisco Bay Conservation and Development Commission. The LEA determined that the comment was outside the scope of this permit action. No public comments were received by CalRecycle.

The Department staff provided an opportunity for public comment during the CalRecycle Monthly Public Meeting on April 17 and May 15, 2012.